

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-18672 - APPLICANT/OWNER: ANA BELTRAN**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-18670) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site, if approved.

**Public Works**

3. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
4. Dedicate 30 feet of right-of-way adjacent to this site for McKnight Street, Poppy Lane and Paniflow Street and dedicate a 15-foot radius on the northwest corner of Poppy Lane and Paniflow Street and on the northeast corner of McKnight Street and Poppy Lane prior to the issuance of any permits. Contact the Right-of-Way Section of the Department of Public Works for assistance in the preparation of the necessary documents.
5. Construct half-street improvements including appropriate transition paving on Poppy Lane, Paniflow Street, and McKnight Street adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map subdividing this site, whichever may occur first. Provide and improve all drainage ways as recommended.

7. A minimum of two lanes of asphalt pavement on the major access street adjacent to this site, and a working sanitary sewer connection shall be in place prior to final inspection of any units within this development. All off-site improvements adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed within 24 months of approval of construction drawings. No partial bond releases will be allowed until all perimeter roadway improvements are in place.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Rezoning to an R-3 (Medium Density Residential) District on 0.5 acres at the northwest corner of Poppy Lane and Paniflow Street. The property currently consists of undeveloped land that is zoned R-E (Residence Estates). The applicant indicates this will be an apartment complex consisting of three buildings of four units each.

The proposed rezoning to the R-3 (Medium Density Residential) zoning district is consistent with the existing M (Medium Density Residential) Master Plan designation. It is also consistent with the existing multi-family uses in the vicinity. Approval is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
01/25/07	<p>The Planning Commission recommended denial of companion items VAR-18673, VAR-18674 and SDR-18670 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #48/rts).</p>
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits or business licenses related to this project approved or under review.	
<b><i>Pre-Application Meeting</i></b>	
11/29/06	A pre-application meeting was held and elements of this application were discussed. It was noted that the proposed density for this project is 14.49 dwelling units per acre and that 23 parking spaces would be the requirement. Additionally, it was noted that two variances would be needed to deal with setback and parking deficiencies. Public Works talked about half-street improvements; need to meet with flood control; traffic signal impact fees; and dedicating radius corners. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	R-E (Residence Estates)
North	Undeveloped	M (Medium Density Residential)	R-E (Residence Estates)
South	Non-profit Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	L (Low Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	n/a
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	n/a
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

## ANALYSIS

The subject property is designated as M (Medium Density Residential) under the Southeast Sector Plan of the General Plan. This category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allows up to 25.49 units per acre. The proposed development will have a density of 24 units per acre and is in compliance with the General Plan.

The proposed rezoning to the R-3 (Medium Density Residential) zoning district will allow a residential density of 25 units per acre. The site plan proposes 12 apartments, which will result in a density of 24 units per acre. Given the existing M (Medium Density Residential) Master Plan designation, the requested rezoning request is appropriate for this site.

A related Site Development Plan Review (SDR-18670) to site the 12 unit apartment facility will be considered on this agenda as well. The project as proposed would require several deviations from development standards, including a parking variance (VAR-18674) and a setback, residential adjacency setback, and building separation variance (VAR-18673) which are also being heard concurrently with this item.

The proposed rezoning to the R-3 (Medium Density Residential) zoning district is consistent with the existing M (Medium Density Residential) Master Plan designation. It would also make it consistent with surrounding land uses, which consist of multi-family development to the south and east of the property. For these reasons staff is recommending approval of this item. However, due to the number of deviations required and self-imposed hardships staff is recommending denial on the Site Development Plan Review (SDR-18670) and the two Variances (VAR-18673 and VAR-18674).

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The proposed rezoning would bring the zoning at this site into conformance with the M (Medium Density Residential) designation as listed under the Southeast Sector Plan of the General Plan. The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allow up to 25.49 units per acre. The proposed multi-family development will have a density of 24 units per acre and is in compliance with the General Plan.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

Currently there are no uses surrounding the subject site on the north and west sides of the property. The proposed rezoning would be compatible with the multi-family uses situated to the south and east of the site.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors indicate a need for multi-family development. Given the existing General Plan designation of M (Medium Density Residential) on the subject site, the rezoning to the R-3 (Medium Density Residential) zoning district is appropriate for the area.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The site will receive access from Poppy Street, which is adequate in size to meet the requirements of the proposed R-3 (Medium Density Residential) zoning district.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 97 by Planning Department

**APPROVALS** 1

**PROTESTS** 0